



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
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February 9, 2007

John D. Carruth  
P.O. Box 90008  
Baton Rouge, LA 70879

**RE: Ethics Board Docket No. 2007-056**

Dear Mr. Carruth:

The Board of Ethics, at its February 8, 2007, meeting, considered your request for an advisory opinion interpreting the provisions of La. R.S. 47:9072A.

With respect to each specific question, the Board concluded and instructed me to inform you of the following:

1. What is the meaning of "any proposition"? Is this limited to issues placed before the general public for voting, or does it include proposed legislation in the state legislature and proposed issues for consideration before local governing authorities? Would a board member or officer who is engaged in lobbying activities with the legislature, a state agency or local governing authority violate the prohibitions contained in this statute?

A. "Proposition" is limited to issues placed before the general public for voting and it does not include proposed legislation or proposed issues for consideration before local governing authorities. Board members or officers of the Lottery Corporation would not be prohibited from lobbying by La. R.S. 47:9072A.

2. What is the meaning of "directly or indirectly"? Would a board member or officer of the corporation be in violation of this statute by being a member of an association engaged in any of the prohibited activities? Would there be a violation if any portion of the association's membership dues is allocated to funding such activities by the association or contributed to a political action committee of the association? Would a board member or employee of an association engaged in any such activities be eligible to be a board member? Can Natalie Babin Isaacks, the Executive Director of the Louisiana Oil Marketers and Convenience Store Association (LOMCSA) and a registered lobbyist serve as a board member.

A. A board member or officer of the corporation may be a member of a private organization that may, under certain circumstances, endorse a candidate for public office, so long as the primary purpose of the organization is not the support or opposition of candidates, political parties, or factions. **However, when the organization does support or oppose a candidate, party or faction, you may not take an active part in the management of the affairs of the organization – even in matters not related to that support or opposition.** In Ethics Board Docket No. 2006-967 the Board concluded that the Code of Governmental Ethics would not prohibit Ms. Isaacks who is a registered lobbyist from serving as a board member. However, under the application of La. RS. 47:9072A, Ms. Isaacks, as Executive Director of LOMCSA and the other board members of LOMCSA would be prohibited from serving on the Board since they would have an active part in the affairs of an organization that participates in political activities.

3. Would the spouse of a board member or officer of the corporation be prohibited from making contributions if the couple has a community property regime? Is accompanying a spouse to a political event “indirectly” endorsing or supporting?

A. The political activity restrictions do not apply to the spouse of a board member or officer of the corporation. A board member or officer may not attend any fund raising function of a candidate or political party, with or without his spouse.

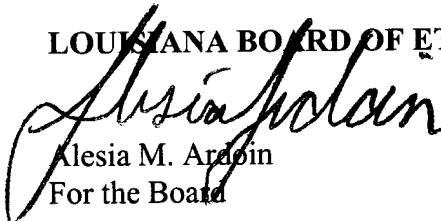
4. Who are the “officers of the corporation”? La. R.S. 47:9005 requires the president to employ a vice president and a secretary-treasurer. La. R.S. 47:9010 authorizes the president to employ such personnel as may be necessary. La. R.S. 47:9015 requires the president to determine the compensation of employees and requires the board to determine the compensation of “officers at the division head level and above.”

A. The officers of the corporation include the president, vice-presidents and the secretary treasurer.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please feel free to contact me at (225)763-8777 or 1-800-842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS



Alesia M. Arabin  
For the Board